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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 LINA POSADA and LUCY PINDER,  
13 Plaintiffs,

14 vs.

15 K-KEL, INC. d/b/a SPEARMINT RHINO  
16 GENTLEMEN'S CLUB,  
17 Defendant.

Case No. 2:19-cv-01060-RFB-NJK

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY**

**(FIRST REQUEST)**

18  
19 Plaintiffs LINA POSADA and LUCY PINDER and Defendant K-KEL, INC. d/b/a  
20 SPEARMINT RHINO GENTLEMEN'S CLUB, by and through their respective attorneys of record,  
21 stipulate and agree that all discovery deadlines be extended sixty (60) days beyond the dates set forth  
22 in the October 16, 2019 Scheduling Order [ECF No. 10].

23 Good cause exists to extend discovery deadlines so that the parties may continue diligently  
24 engaging in discovery necessary to determine all material facts related to this matter while  
25 simultaneously pursuing settlement discussions in an attempt to resolve this matter.

26 Pursuant to Fed. R. Civ. P. 16(b) and LR 26-4, the parties state the following:

27 **A. THE PARTIES HAVE COMPLETED THE FOLLOWING DISCOVERY:**

28 1. Plaintiffs' Initial Disclosures;

- 1 2. Defendant's Initial Disclosures and First Supplement;
- 2 3. Plaintiffs' First Set of Interrogatories to Defendant;
- 3 4. Plaintiffs' First Set of Requests for Production of Documents to Defendant;
- 4 5. Plaintiffs' Second Set of Interrogatories to Defendant; and
- 5 6. Plaintiff's Second Set of Requests for Production of Documents to Defendant.

6 **B. DISCOVERY THAT REMAINS TO BE COMPLETED:**

- 7 1. Additional disclosures made by the parties as discovery continues;
- 8 2. Additional written discovery requests served by Plaintiffs and Defendant;
- 9 3. Subpoenas duces tecum to third parties;
- 10 4. Depositions of the parties;
- 11 5. Depositions of other pertinent witnesses;
- 12 6. Expert Disclosures; and
- 13 7. Expert Depositions.

14 **C. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED:**

15 The parties are in the midst of discovery, with expert disclosures currently due on  
16 February 7, 2020. Plaintiffs have completed a fair amount of written discovery so far in this matter.  
17 In addition, and to help facilitate settlement discussions, Plaintiffs have disclosed a preliminary  
18 expert report addressing the claimed value of their images (one of each Plaintiff) that appeared on K-  
19 Kel's social media platforms (which remains subject to change before formal expert disclosures are  
20 due).

21 The parties are, and have been for several weeks, trying to schedule a date and time for an in-  
22 person meeting to try to resolve this matter. Because each Plaintiff resides outside the State of  
23 Nevada, and due to the holidays last month, it is taking longer than anticipated to arrange a mutually  
24 convenient date and time for the meeting. Defendant intends to serve written discovery requests for  
25 purposes of obtaining information necessary for an initial expert report. For efficiency's sake,  
26 Defendant awaited doing so pending the outcome of settlement negotiations. If a meeting does not  
27 occur within the next two to three weeks, Defendant will move ahead with serving written discovery  
28 requests. An additional 60 days of discovery will allow adequate time to conduct such discovery

prior to initial expert disclosures. The schedule proposed below will still result in discovery closing less than one year after Plaintiffs filed their initial Complaint in this matter.

**D. PROPOSED SCHEDULE FOR COMPLETING THE REMAINING DISCOVERY:**

The parties propose the following discovery deadlines:

Last Day to Complete Discovery: June 8, 2020<sup>1</sup>

Motions to Amend Pleadings/Add Parties: ~~March 10, 2020~~

**DENIED**, previously expired and  
no showing of excusable neglect.  
See Local Rule 26-4.

Deadline for Initial Expert Disclosures: April 9, 2020

Deadline for Rebuttal Expert Disclosures: May 11, 2020<sup>2</sup>

Deadline to File Dispositive Motions: July 8, 2020

Trial has not yet been scheduled in this matter.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 16<sup>th</sup> day of January, 2020.

DATED this 16<sup>th</sup> day of January, 2020.

ALVERSON TAYLOR & SANDERS

BAILEY ♦ KENNEDY

By: /s/ David M. Sexton  
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K-Kel, Inc. d/b/a Spearmint Rhino  
Gentlemen's Club

**IT IS SO ORDERED.**

Although the stipulation is being granted in part, good cause does not exist to further delay propounding discovery. The referenced written discovery must be propounded at this time without waiting for a future settlement discussion.

  
UNITED STATES MAGISTRATE JUDGE  
DATED: January 17, 2020

<sup>1</sup> 60 days from April 7, 2020 is Saturday, June 6, 2020. Monday, June 8, 2020 is the next judicial day.

<sup>2</sup> 30 days from April 9, 2020 is Saturday, May 9, 2020. Monday, May 11, 2020 is the next judicial day.